

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1, 3-13, and 15-22 remain in this application. Claims 2 and 14 have been canceled. Claims 5-9, 11, 13, and 15-21 have been indicated by the Examiner as being allowable.

Claims 1, 3, 4, 10, 12 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Morgan (U.S. 4,992,866). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites a "camera-to-be-operated determination section" which:

determines which one of said plurality of cameras is to be panned on the basis of an angle between an imaginary line connecting the center of the camera symbol with the designated location and an imaginary line connecting the center of the camera symbol with the direction in which the camera is currently oriented.

Thus, the invention according to claim 1 determines which camera is to be panned, in effect, based on examining the *angle* of imaginary lines between the desired direction and the current direction of each camera. The reference does not teach this.

The Examiner admits that the reference does not teach choosing a camera to be panned based on an angle between two imaginary lines. Consequently, claim 1 is patentable over the reference. Claims 3, 4, and 10, which depend on claim 1, are thus patentable for at least the same reasons as claim 1.

Claim 12 recites a "zoom-scale determination section" for

determining the *zoom scale* of *each* of the cameras which have been examined as being *optimal* for shooting the designated location by the camera to-be-operated determination section, *in a sequence* in which the cameras are *arranged*

(emphasis added). The cited reference does not teach these limitations of claim 12. The Examiner argues it is inherent that the Morgan algorithm "must [go] through a sequence

according to the arrangement of the cameras in order to examine each of the cameras...".

However, there is no teaching in Morgan that such a sequence is related an arrangement of the cameras.

It is not enough to merely allege that a function or feature is "inherent". The Examiner must provide evidence and or rationale to show inherency. MPEP §2112. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art) (emphasis added); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See MPEP §2112.

It is not necessary that Morgan use an *arrangement* of the cameras to determine a zoom sequence. Morgan might (for illustrative purposes only) use a random sequence, or a sequence based on speed optimization, or distance from the object being shot, for example. Hence, the reference does not teach all of the claim limitations, as required to anticipate the claim, and thus claim 12 is patentable over the reference.

Finally, claim 22 recites that "when cameras optimal for shooting the designated location are selected, images captured by the cameras are displayed at respective scales, *in a sequence in which the cameras are arranged*" (emphasis added). As discussed above, the reference does not teach the italicized portion of the cited claim limitation, nor is such a

teaching inherent. There is no teaching that images are displayed at respective scales, in a sequence in which the cameras are arranged. Instead, the reference teaches using *priority* to determine the sequence, which one skilled in the art would understand is quite different than using an arrangement to determine sequence. Thus, claim 22 is patentable over the reference because the reference does not teach all of the claim limitations, and in fact teaches away by teaching the use of priority rather than arrangement to determine a sequence.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32584.

Respectfully submitted,

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